

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE:

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TMST, Inc.
f/k/a Thornburg Mortgage, Inc.,
et al.

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Civil No. JFM-11-1033

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MEMORANDUM

Larry A. Goldstone, Clarence G. Simmons, III, and SAF Financial, Inc. (“Appellants”) have filed a motion for leave to appeal in this bankruptcy proceeding, and the Chapter 11 Trustee has filed a motion to dismiss the notice of appeal. Appellants’ motion for leave to appeal will be denied, and the Trustee’s motion to dismiss the notice of appeal will be granted.

No extended discussion is necessary. The primary issue that Appellants attempt to raise on this appeal is whether the Trustee has the right to review the non-privileged data in the “Unallocated Space” on the two laptop computers in question. That issue was decided by the Bankruptcy Court on December 16, 2010 when it entered its Order Granting In Part Motion For Protective Order. If Appellants desired to challenge that ruling, they should have done so soon after the order was entered. Their present attempt to appeal the ruling is untimely.

As for the “Inadvertent Disclosure” order, I do not believe that there is any substantial dispute of law involved in the entry of the order about which there is a substantial ground for a difference of opinion. In any event, to permit an interlocutory appeal of that order would certainly not materially advance the termination of the litigation. To the contrary, it would allow Appellants an opportunity to further delay these proceedings as they evidently want to do.

A separate order effecting the rulings made in this memorandum is being entered
herewith.

Date: May 25, 2011

/s/
J. Frederick Motz
United States District Judge